

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeaki Nishii et al.

Art Unit : 1641

Serial No. : 10/525,626

Examiner : Shafiqul Haq

Filed : February 24, 2005

Confirmation No.: 9641

Notice of Allowance Date: November 6, 2006

Title : DIOXINS IMMUNOASSAY STANDARD AND DIOXINS IMMUNOASSAY  
METHOD

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF ALLOWANCE AND COMMENTS ON EXAMINER'S  
REASONS FOR ALLOWANCE**

In response to the Notice of Allowance mailed November 6, 2006, enclosed are a completed issue fee transmittal form PTOL-85b and for the required issue fee and publication fee, including patent copies.

**Comments on Examiner's Statement of Reasons for Allowance**

At page 2 of the Notice of Allowance, the Examiner states that

Applicants' argument about the use of the specific compound of formula (I) as a control for preparing a reliable calibration curve in the immunoassay system for detection of dioxins in a sample is persuasive and thus prior art rejections over Carlson et al. are withdrawn. Upon further consideration it is noted that PCB analytes of Carlson et al. is structurally different from dioxin analyte of instant application (see Notice of Allowance, page 2, lines 3-8).

First, applicants recognize that in accordance with MPEP §1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed.

Applicants agree that the relevant independent claims are distinguished from the cited prior art for at least the reasons stated in the Reasons for Allowance, which are sufficient for allowance of those claims. However, applicants do not concede that the stated reasons are the only grounds for patentability of the allowed claims, that the limitations excluded from the Reasons for Allowance are taught or suggested by the art of record, or that all of the limitations are necessary for patentability of the allowed claims or other claims directed to the disclosed subject matter.

At page 2 of the Notice of Allowance, the Examiner also states that "Contrary to applicant's stated definition of Dioxins in the specification (see page 1), PCBs are not generally considered as subset of Dioxin compounds" (see Notice of Allowance, page 2, lines 9-11).

Applicants respectfully disagree with this characterization and submit the World Health Organization (WHO) defines Dioxins as a group of chemicals including polychlorinated dibenzodioxins (PCDDs), polychlorinated dibenofurans (PCDFs), and polychlorinated biphenyls (PCBs) (see, e.g., WHO website at <http://www.who.int/inf-pr-1998/en/pr98-45.html>).

The required fees in the amount of \$1700 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any additional charges or credits to our Deposit Account No. 06 1050, referencing Attorney Docket No. 18900-002US1.

Respectfully submitted,

Date:February 5, 2007

  
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